



Jon Kyl, Chairman

347 Russell Senate Office Building  
Washington, DC 20510  
202-224-2946  
<http://rpc.senate.gov>

No. 46

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## S. 728 – Water Resources Development Act of 2005

Calendar No. 93

*Reported April 26, 2005 by the Committee on Environment and Public Works, with amendments; S. Rept. 109-61; additional views filed.*

### NOTEWORTHY

- Under a unanimous consent agreement reached on July 14, the Senate today will begin its consideration of S. 728 under the following constraints:
  - the committee-reported amendments are withdrawn;
  - the Managers' substitute will be agreed to as original text for the purposes of further amendment;
  - only nine specified amendments will be in order, each with its own time limitation (see Possible Amendments section at the back of this Notice for details);
  - in addition to the time dedicated to the nine amendments, there will be two hours of general debate on the bill; and
  - following disposition of amendments and use of or yielding back of time, the Senate will vote on passage.
- The Managers' substitute contains a National Levee Safety Program (modeled after the Dam Safety Program) to look specifically at levee safety issues and additional water resource development projects (to be outlined in a summary that will be provided to legislative staff under separate cover).
- The House passed its water resources development bill, H.R. 2864, on July 14, 2005, by a vote of 406-14. That bill is now pending on the Senate Calendar.

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## Highlights

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- The bill provides authority for Secretary of the Army to carry out 42 projects for water resources development, conservation and other purposes substantially in accordance with the plans recommended in the reports.
- The bill contains navigation capacity Improvements and Ecosystem Restoration Plan for the Upper Mississippi River and Illinois Waterway System.
- The bill contains a Louisiana Coastal Area Ecosystem Restoration program.
- The bill contains Corps reform provisions.
- The bill establishes a National Levee Safety Program, modeled after Dam Safety Program, to look specifically at levee safety issues.

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## Bill Provisions

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### Title I – Water Resources Projects

**Section 1001 – Project authorizations:** This section provides authority for the Secretary of the Army (hereafter “the Secretary”) to carry out 35 projects for water resources development, conservation, and other purposes in accordance with the plans described in the respective reports designated in this section. The projects include:

- **Akutan Harbor, Akutan, Alaska:** To create a 12-acre mooring basin for large commercial fishing vessels and for the local resident fleet at a cost to the Federal Government of \$9.8 million (total project cost (\$12.2 million).
- **Haines Small Boat Harbor, Haines, Alaska:** To expand the size of mooring at maneuvering basin from 2.25 hectares to 6.6 hectares with an additional entrance channel at a federal cost of \$10.96 million (total project cost \$13.7 million).
- **Rillito River (El Rio Antiguo), Pima County, Arizona:** To restore 391 acres of riparian habitat, provide 8 water harvesting retention basins at cement banks, irrigation and other amenities at a cost to the Federal Government of \$48.4 million (total project cost \$75.2 million).
- **Tanque Verde Creek Project, Pima County, Arizona:** To provide erosion control on the Tanque Verde Creek at a cost to the Federal Government of \$3.24 million (total project cost \$4.98 million).
- **Salt River (Va Shlyay Akimel), Moricoppa County, Arizona:** To restore riparian habitat along the Salt River at a cost to the Federal Government of \$90.13 million (total project cost \$138.97 million).

- **Hamilton City, California:** To provide flood damage control and restore native habitat along the Sacramento River at a cost to the Federal Government of \$33 million (total project cost \$50.6 million).
- **Imperial Beach, California:** To modify the project for beach erosion restoration and protection on the Silver Shoreline at a cost to the Federal Government of \$7.59 million (total project cost \$11.86 million).
- **Matilija Dam, Ventura County, California:** To remove the Matilija Dam and restore fish passage and sediment transport processes at a cost to the Federal Government of \$78.97 million (total project cost \$130.34 million).
- **Middle Creek, Lake County, California:** To reconnect the flood plain of Middle Creek to the historic Robinson Lake wetland area by breaching the existing levy system to reduce flood damage and restore habitat at a cost to the Federal Government of \$27.26 million (total project cost \$41.79 million).
- **Napa River Salt Marsh, California:** To restore tidal wetlands and reduce water salinity through levy breaches and implementing a system of water control structures at a cost to the Federal Government of \$64 million (total project cost \$100.5 million).
- **South Platte River, Denver, Colorado:** To make modifications to restore a portion of the South Platte River corridor at a cost to the Federal Government of \$12.24 million (total project cost \$18.82 million).
- **Indian River Lagoon, South Florida:** To make major modifications to the estuary system for flood damage reduction and ecosystem restoration at a cost to the Federal Government of \$605.3 million (total cost \$1.21 billion).
- **East St. Louis and Vicinity, Illinois:** To restore habitat near the Mississippi river, including bottomland forests, prairie wetlands, etc. at a cost to the Federal Government of \$123.81 million (total project cost \$191.16 million).
- **Peoria Riverfront, Illinois:** To increase the lake habitat diversity through dredging and island creation in Lower Peoria Lake at a cost to the Federal Government of \$10.4 million (total project cost \$16 million).
- **Bayou Sorrel Lock, Louisiana:** To replace the Bayou Sorrel Lock for flood control purposes and to accommodate increased traffic at a cost to the Federal Government of \$4.5 million (total project cost \$9 million).
- **Morganza to the Gulf of Mexico:** To construct a levee with specialized features to provide hurricane and storm damage protection at a cost to the Federal Government of \$512.2 million (total project cost \$788 million).
- **Smith Island, Maryland:** To construct over 2 miles of offshore segmented breakways to protect wetlands and submerged aquatic vegetation habitats at a cost to the Federal Government of \$9.43 million (total project cost \$14.5 million).
- **Swope Park Industrial Area, Missouri:** To construct a floodwall, earthen levee, a drainage system for flood damage protection on the Blue River at a cost to the Federal Government of \$10.19 million (total project cost \$15.68 million).
- **Manasquan Inlet to Bargegat Inlet, New Jersey:** To perform berm and dune restoration along the New Jersey shore in the study area to reduce hurricane and storm damage at a cost to the Federal Government of \$42.17 million (total project cost \$64.87 million).

- **South River, New Jersey:** To construct a storm surge barrier, levees/floodwalls, and drainage systems to reduce hurricane and storm damage and provide ecosystem restoration at a cost to the Federal Government of \$73.21 million (total project cost \$112.63 million).
- **Southwest Valley, Albuquerque, New Mexico:** To modify surface drain facilities of the Middle Rio Grande Conservancy District to reduce flood damage at a cost to the Federal Government of \$12.67 million (total project cost \$19.49 million).
- **Corpus Christi Ship Channel, Corpus Christi, Texas:** To deepen a navigation channel and to construct ecosystem restoration features at a cost to the Federal Government of \$80.09 million (total project cost \$172.94 million).
- **Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Texas:** To reroute the existing Gulf Intracoastal Waterway to reduce strong cross currents to improve inland navigation at a cost to the Federal Government of \$7.98 million (total project cost \$15.96 million).
- **Riverside Oxbow, Fort Worth, Texas:** To restore 512 acres of floodplain lands, 2 miles of Oxbow river channel, 56.5 acres of wetlands, and 112 acres of uplands at a cost of \$10.4 million (total project cost \$25.2 million).
- **Deep Creek, Chesapeake, Virginia:** To replace an obsolete bridge in the Dismal Swamp Canal that is federally owned and operated to relieve traffic congestion at a cost to the Federal Government of \$37.53 million (total project cost \$37.53 million).
- **Chehalis River, Centralia, Washington:** To construct a levee system along parts of various rivers and streams in the Chehalis River valley to reduce flood damage at a cost to the Federal Government of \$66.43 million (total project cost \$109.85 million).
- **Miami Harbor, Miami, Florida:** To widen and deepen the entrance channel and inner harbor to enhance navigation at a cost to the Federal Government of \$64.84 million (total project cost \$121.13 million).
- **Picayune Strand Ecosystem Restoration, Collier County, Florida:** To modify canals and roads in the Picayune Strand to reduce excessive drainage to reduce flood damage and to provide ecosystem restoration at a cost to the Federal Government of \$174.71 million (total project cost \$349.42 million).
- **Des Moines and Raccoon Rivers, Des Moines, Iowa:** To reconstruct 13,300 feet of levees and improve 19 closure structures to reduce flood damage at a cost to the Federal Government of \$6.5 million (total project cost \$10 million).
- **Port of Iberia, Louisiana:** To widen and deepen the access channel by dredging the Commercial Canal, the Gulf Intracoastal Waterway, and Freshwater Bayou to improve navigation for deeper draft vessels at a cost to the Federal Government of \$123 million (total project cost \$194 million).
- **Jamaica Bay, Marine Park and Plumb Beach, Queens and Brooklyn, New York:** To restore shorelines, grasslands, wetlands, upland habitats, and improve circulation and flushing in the bay at a cost to the Federal Government of \$117 million (total project cost \$180 million).
- **Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey:** To construct a combination of levees, floodwalls, storm gates, pump stations, and other means to

reduce hurricane and storm damage at a cost to the Federal Government of \$68.6 million (total project cost \$105.54 million).

- **Montauk Point, New York:** To construct a revetment to reduce hurricane and storm damage and to eliminate ocean erosion at the Montauk Point State park at a cost to the Federal Government of \$7.8 million (total project cost \$12 million).
- **Hocking River Basin, Monday Creek, Ohio:** To restore the Monday Creek Basin ecosystem, which continues to be impacted by runoff from abandoned mines at a cost to the Federal Government of \$13 million (total project cost \$20 million).

***Section 1002 – Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System:*** This section authorizes navigation improvements and ecosystem restoration for the Upper Mississippi River and Illinois Waterway System in accordance with the “Integrated Feasibility Report and Programmatic Environmental Impact Statement for the UMR-IWW System Navigation Feasibility System.” The improvements would include \$117.5 million for mooring facilities and switch boats at various locks, and development and testing of an appointment scheduling system; \$789.5 million for new 1,200-foot locks at various locks; and \$108 million for mitigation for the new locks and small scale and nonstructural measures. This section also authorizes ecosystem restoration, which shall be carried out at a total construction cost of \$1.58 billion.

***Section 1003 – Louisiana coastal area ecosystem restoration, Louisiana:*** This section authorizes a program for ecosystem restoration in the Louisiana Coastal Area, an extensive coastal wetland area.

**Subsection (a)** authorizes the Louisiana Coastal Area program.

**Subsection (b)** establishes the priorities of the program.

**Subsection (c)** provides for financial participation of non-governmental organizations for credit toward the non-Federal share.

**Subsection (d)** requires the submission of a comprehensive plan with updates every five years.

**Subsection (e)** establishes a Task Force to make recommendations to the Secretary for addressing conservation, protection, restoration and maintenance of the coastal Louisiana ecosystem.

**Subsection (f)** requires the Secretary to submit to Congress a plan to address wetlands losses, channel bank erosion, hurricane storm surges, saltwater intrusion, navigation interests, and environmental restoration.

**Subsection (g)** establishes a Science and Technology program.

***Section 1004 – Small projects for flood damage reduction:*** Directs the Secretary to perform the project for the Cache River Basin, Grubbs, Arkansas.

***Section 1005 – Small projects for navigation:*** Directs the Secretary to perform projects at Little Rock Port, Arkansas; Au Sable River, Michigan; Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin; Middle Bass Island State Park, Middle Bass Island, Ohio; and

Outer Channel and Inner Harbor, Menominee, Wisconsin under the Small Projects for Navigation continuing authority program.

***Section 1006 – Small projects for aquatic ecosystem restoration:*** Directs the Secretary to perform projects at San Diego River, California; Suisun Marsh, San Pablo Bay, California; and Blackstone River, Rhode Island under the Small Projects for Aquatic Ecosystem Restoration continuing authority program.

## **Title II – General Provisions**

### **Subtitle A – Provisions**

***Section 2001 – Credit for in-kind contributions:*** This section provides general authority for the Secretary to provide credit for in-kind services made by the non-Federal sponsor toward the non-Federal share of the cost of the project. In-kind services include: the costs of planning, design, management, mitigation, construction, and construction services.

***Section 2002 – Interagency and international support authority:*** This section allows the Secretary to provide support for foreign governments and allows the Army Corps of Engineers to undertake contracting for this purpose and streamlines the consultation process. It also authorizes \$1 million for this purpose.

***Section 2003 – Training Funds:*** This section authorizes the Secretary to allow non-Federal interests to enroll in training classes or courses offered by the Army Corps of Engineers and allows the Corps to recoup expenses for the training classes from the funds paid for the classes.

***Section 2004 – Recreational areas and project sites:*** This section establishes a user funded recreation fee program to cover operation and maintenance associated with the recreational infrastructure at Corps facilities. The Corps is allowed to retain 100 percent of recreation fees it collects. Eighty percent of the fees collected must be used in the Corps District in which they were collected.

***Section 2005 – Fiscal transparency report:*** This section requires the Secretary to prepare and submit a report to Congress each January beginning in 2006 on expenditures for the preceding fiscal year.

***Section 2006 – Planning:*** This section requires the Secretary to assess each water resource project's and project increment's cost-effectiveness and compliance with local, State, and national laws, regulations, and public policies. It also requires the Secretary to periodically update the agency's planning guidelines, regulations, and circulars of the Corps to improve analysis of water resources projects, including new cost-benefit analysis techniques.

This section also provides for planning process improvements; guidance for the formulation of flood damage and hurricane and storm damage reduction projects, ecosystem restoration projects and projects that have both of these purposes; gives full responsibility to the

Chief of Engineers for the technical aspects of project development; provides for timely review and submission of reports to Congress.

***Section 2007 – Independent Reviews:*** This section charges the Chief of Engineers with developing guidance for use of peer review, including external peer review within the Corps, and directs him to complete and publish such guidance within one year.

***Section 2008 – Mitigation for fish and wildlife losses:*** Provides timetables and guidelines for mitigation for fish and wildlife losses.

***Section 2009 – State technical assistance:*** This section authorizes the Secretary, upon request of a governmental agency or non-Federal interests, to provide technical assistance at Federal expense, including hydrologic, economic, and environmental data and analyses, and may not exceed \$10 million a year.

***Section 2010 – Access to water resources data:*** This section directs the Secretary to provide access to water resources and related water quality data.

***Section 2011 – Construction of flood control projects by non-Federal interests:*** The section establishes that the budget priority for projects authorized under section 211 of WRDA 1996 shall be proportionate to the percentage of project completion or if the project is complete, shall have the same priority as a project with a contractor onsite. It also adds the following projects to the list of demonstration projects established in section 211(f): flood control project on Thornton Reservoir, Cook County Illinois; flood damage reduction project at St. Paul Downtown Airport, St. Paul Minnesota; the Buffalo Bayou, Texas project; and the Halls Bayou, Texas project.

***Section 2012 – Regional sediment management:*** This section authorizes the Corps to engage in the regional planning and implementation of water resources and environmental restoration projects.

***Section 2013 – National shoreline erosion control development program:*** This section permanently authorizes the National Shoreline Erosion Control Development and Demonstration program.

***Section 2014 – Shore protection projects:*** This section states that it is the policy of the United States to promote shore protection projects, including beach restoration and periodic beach renourishment for a period of 50 years. Preference shall be given to areas where Federal funds have been invested and areas where Federal navigation projects or activities have caused the need for prevention or mitigation to shores and beaches.

***Section 2015 – Cost sharing for monitoring:*** Authorizes the Secretary to cost share in the monitoring of ecosystem restoration projects identical to the cost sharing for construction, including projects designed and constructed under a continuing authority program for a maximum of 10 years and not to exceed 5 percent of the construction cost of the original project. After 10 years, the costs of monitoring shall be 100 percent non-Federal.

***Section 2016 – Ecosystem restoration benefits:*** Directs the Secretary to use ecosystem restoration benefits as part of developing a recommended plan for Grayson’s Creek, California; Seven Oaks, California; Oxford, California; Walnut Creek, California; Wildcat Phase II, California.

***Section 2017 – Funding to expedite the evaluation and processing of permits:*** Eliminates the expiration of the program.

***Section 2018 – Electronic submission of permit application:*** Directs the Secretary to establish procedures to allow the electronic submission of permit applications for permits under the jurisdiction of the Department of the Army.

***Section 2019 – Improvement of water management at Corps of Engineers reservoirs:*** Authorizes the Secretary to carry out measures in cooperation and coordination with States, tribal governments, and local governments to more effectively and efficiently meet the water resource needs in watersheds containing reservoirs operated and maintained by the Army Corps of Engineers.

***Section 2020 – Corps of Engineers hydropower operation and maintenance funding:*** This section provides for the direct funding by the Southeastern, Southwestern and Western Power Administrations of Corps of Engineers operations and maintenance activities attributable to hydropower generation.

***Sec. 2021. Federal hopper dredges:*** Lifts the annual operational restrictions on these Federal dredges to maximize the available dredging capacity to maintain channel dimensions of West Coast Federal navigation projects.

***Section 2022 – Obstruction to navigation:*** Provides that nothing in the section shall be construed as to provide for the regulation of activities or structures on private property unless the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines that such activity would pose a threat to the safe transit of maritime traffic.

## **Subtitle B – Continuing Authorities Programs**

***Section 2031 – Navigation enhancements for waterborne transportation:*** Increases the per project limit from \$4 million to \$7 million for the Navigation Enhancements for Waterborne Transportation (NEWT) continuing authority program.

***Section 2032 – Protection and restoration due to emergencies at shore and streambanks:*** This section increases the annual program limit from \$15 million to \$20 million and the per project limit from \$1 million to \$1.5 million for the Protection and Restoration due to Emergencies at Shores and Streambanks (PRESS) continuing authority program.

***Section 2033 – Restoration of the environment for protection of aquatic and riparian ecosystems program:*** Increases the annual program limit from \$25 million to \$75 million for the Restoration



of the Environment for Protection of Aquatic and Riparian Ecosystem (REPARE) continuing authority program.

***Section 2034 – Environmental modification of projects for improvement and restoration of ecosystems program:*** Increases the annual program limit from \$25 million to \$50 million for the Environmental Modification of Projects for Improvement and Restoration of Ecosystems (EMPIRE) continuing authority program.

***Section 2035 – Projects to enhance estuaries and coastal habitats:*** Creates a new continuing authority program, Projects to Enhance Estuaries and Coastal Habitats, for improving environmental quality through estuary habitat restoration, with an annual program limit of \$25 million and a per project limit of \$5 million.

***Section 2036 – Remediation of abandoned mine sites:*** Expands the existing Remediation of Abandoned Mine Sites (RAMS) program into a continuing authority program, with an annual program limit of \$45 million, authorizes the Secretary to perform construction activities associated with remediation of abandoned mines, to cost share with non-profit organizations with the consent of the affected local government, to adjust the cost share requirement, and defines the operation and maintenance costs as 100 percent non-Federal.

***Section 2037 – Small projects for the rehabilitation or removal of dams:*** This section creates a new continuing authority program, Small Projects for the Rehabilitation or Removal of Dams, to improve environmental quality, with an annual program limit of \$25 million and a per project limit of \$5 million.

***Section 2038 – Remote, maritime-dependent communities:*** Gives the Secretary authority to develop criteria for the justification of Federal participation in remote harbors without the need to demonstrate that the project is justified solely by National Economic Development benefits. The remote or subsistence harbor projects would be cost shared in accordance with section 101 of the Water Resources Development Act of 1986, as amended, in the same way other harbor projects are cost shared, but would not be required to be economically justified solely on the basis of National Economic Development benefits.

***Section 2039 – Agreements for water resource projects:*** Allows district engineers to enter into partnership agreements (formerly cooperation agreements), and allow partnership agreements to provide for liquidated damages. If it is determined that a project needs to be continued for the purposes of public health and safety, the non-Federal interest shall pay the increased project costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily determined cost share and the Secretary shall pay all increased costs remaining. Eliminates civil penalties in partnership agreements and allow the use of liquidated damages; clarifies that these changes apply only to partnership agreements entered into after the date of enactment, unless the non-Federal interest requests applicability from the district engineer and construction has not been initiated; clarifies that cooperation agreements or project cooperation agreements shall be partnership agreements or project partnership agreements, respectively and vice versa.

**Section 2040 – Program names:** Changes the program name for the continuing authority program created under section 3 of the Act of 1946 and changes the name for the continuing authority program created under section 205 of the Flood Control Act of 1948.

### **Title III – Project related provisions**

**Section 3001 – St. Herman and St. Paul Harbors, Kodiak, Alaska:** This section authorizes the Secretary to carry out, on an emergency basis, the necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of \$2 million.

**Section 3002 – Sitka, Alaska:** Authorizes action to correct design deficiencies in the Thompson Harbor element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska at a Federal cost \$6.3 million.

**Section 3003 – Black Warrior-Tombigbee Rivers, Alabama:** Authorizes construction of a new project management office for the Black Warrior-Tombigbee Rivers and Alabama River projects near Tuscaloosa, Alabama at a Federal cost of \$32 million.

**Section 3004 – Augusta and Clarendon, Arkansas:** Modifies the project for flood control for the Augusta to Clarendon Levee, Lower White River, Arkansas project to authorize the carrying out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at an estimated Federal cost of \$5.2 million (total cost \$8 million).

**Section 3005 – St. Francis Basin, Arkansas and Missouri:** Modifies the St. Francis Basin, Arkansas and Missouri project to authorize channel stabilization and sediment removal measures.

**Section 3006 – St. Francis Basin land transfer, Arkansas and Missouri:** This section modifies the St. Francis Basin, Arkansas and Missouri project to authorize the transfer acquired project mitigation lands in Arkansas directly to the State of Arkansas or its appropriate designee, provided that certain local requirements are met.

**Section 3007 – Red-Ouachita River Basin levees, Arkansas and Louisiana:** Authorizes the Secretary to design, construct, operate and maintain bank stabilization measures, at full Federal expense, along the Ouachita and Black Rivers and on the Ouachita River, Arkansas at the outlet of Rammel Dam.

**Section 3008 – McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma:** Directs the Secretary to continue construction of the 12-foot channel project; authorizes the Secretary to determine the need for and construct modifications in the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma. \$12 million is authorized to carry out this section.

***Section 3009 – Cache Creek Basin, California:*** Directs the Secretary to mitigate the hydraulic impacts of the new south levee of the Cache Creek Settling Basin on the city of Woodland’s storm drainage system capacity.

***Section 3010 – Hamilton Airfield, California:*** Authorizes the project for ecosystem restoration, Hamilton Army Airfield, California, substantially in accordance with the plan, and subject to the conditions, recommended in the final report of the Chief of Engineers. Federal cost \$153.84 million (total cost \$205.23 million).

***Section 3011 – LA-3 dredged material ocean disposal site designation, California:*** Extends the LA-3 Dredged Material Ocean Disposal Site interim designation from January 1, 2003 to January 1, 2007.

***Section 3012 – Larkspur Ferry Channel, California:*** Authorizes preparation of a limited reevaluation report to determine whether maintenance of the project is feasible. If feasible, the Secretary shall maintain the channel.

***Section 3013 – Llagas Creek, California:*** Authorizes the completion of the project for flood damage reduction at a Federal cost of \$55 million (total cost \$95 million).

***Section 3014 – Los Angeles Harbor, California:*** Authorizes the construction of the main channel deepening project for Los Angeles Harbor, California. Increases total project cost to \$222 million with an estimated Federal cost of \$72 million.

***Section 3015 – Magpie Creek, California:*** Authorizes the use of cost-sharing requirements applicable to non-structural flood control under section 103(b) of the Water Resources Development Act of 1986 for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

***Section 3016 – Pine Flat Dam fish and wildlife habitat, California:*** Authorizes the Secretary to participate with appropriate State and local agencies to improve and manage fisheries and aquatic habitat conditions in the Pine Flat Reservoir and in the 14-mile reach of Kings River immediately below the dam at a Federal cost of \$13 million (total cost \$20 million).

***Section 3017 – Redwood City navigation project, California:*** Authorizes dredging of the Redwood City Navigation Channel on an annual basis, to maintain the authorized depth of--30 feet mean lower low water.

***Section 3018 – Sacramento and American Rivers flood control, California:*** Authorizes the application of remaining funds eligible for reimbursement on the Natomas Federal Plan as a credit toward the non-Federal share of cost for future work on any flood damage reduction project.

***Section 3019 – Conditional declaration of nonnavigability, Port of San Francisco, California:*** Authorizes the Secretary to declare portions of the San Francisco, California, waterfront not to be

navigable water of the United States for the purpose of section 9 of the Act of March 3, 1899 (33 U.S.C. 401) and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

***Section 3020 – Salton Sea restoration, California:*** Authorizes a special study of pilot projects identified in the preferred restoration concept plan approved by the Salton Sea Authority. If a positive determination is made, the Secretary may enter into an agreement with the Salton Sea Authority to carry out pilot projects for environmental improvements at a Federal cost of \$16.9 million (total cost \$26 million).

***Section 3021 – Upper Guadalupe River, California:*** Authorizes the flood damage reduction and recreation project on the Upper Guadalupe River, California, authorized under WRDA of 1999 at a Federal cost of \$113.3 million (total cost of \$212.1 million).

***Section 3022 – Yuba River Basin project, California:*** Modifies the project for flood damage reduction authorized by the WRDA of 1999 by increasing the authorized project cost from \$26.6 to \$107 million at a Federal cost of \$70 million.

***Section 3023 – Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut:*** Designates the western breakwater in New Haven Harbor as the ‘Charles Hervey Townshend Breakwater.’

***Section 3024 – Anchorage area, New London Harbor, Connecticut:*** Modifies the project for navigation, New London Harbor, Connecticut, to redesignate a portion of the 23-foot deep waterfront channel as an anchorage area.

***Section 3025 – Norwalk Harbor, Connecticut:*** Deauthorizes two small areas and authorizes a realignment of a portion of the 10-foot channel at the northern section of the project for navigation at Norwalk Harbor, Connecticut.

***Section 3026 – St. George’s Bridge, Delaware:*** Directs the Secretary to assume ownership of the State Route 1 replacement bridge and continue to operate and maintain the existing St. Georges Bridge unless otherwise directed by Congress.

***Section 3027 – Christina River, Wilmington, Delaware:*** Directs the Secretary to remove the shipwrecked vessel known as the ‘State of Pennsylvania,’ and any debris associated with that vessel from the Christina River at Wilmington, Delaware; and authorizes the appropriation of \$425,000 to carry out the removal.

***Section 3028 – Additional program authority, comprehensive Everglades restoration, Florida:*** Applies section 902 of WRDA 1986 to the cost limits on the Federal share, total cost, and aggregate cost of projects pursued under CERP’s programmatic authority of WRDA 2000 section 601(c).

***Section 3029 – Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida:*** Increases the Federal appropriation limit for this program from \$75 million to \$95 million and removes language ending the period of appropriation. Increases the limit on

Federal expenditures for a single project from \$25 million to \$30 million only in the case of the Seminole Water Conservation Plan.

***Section 3030 – Jacksonville Harbor, Florida:*** Authorizes a modification of a navigation project, Jacksonville Harbor, Florida to extend the navigation features in accordance with the Report of the Chief of Engineers dated July 22, 2003, at an additional total cost of \$14.66 with an estimated Federal cost of \$9.64 million.

***Section 3031 – Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida:*** Includes the pilot projects for aquifer storage and recovery, Lake Okeechobee and Hillsboro Aquifer, Florida, under the cost sharing and other provisions.

***Section 3032 – Lido Key, Sarasota County, Florida:*** Authorizes a modification hurricane and storm damage reduction project in Lido Key, Sarasota County, Florida, authorized by WRDA 1999 at an authorized total cost of \$14.81 million with a Federal cost of \$9.09 million and an estimated total cost of \$63.61 million for periodic nourishment over a period of 50 years with an estimated Federal cost of \$31.8 million.

***Section 3033 – Tampa Harbor, Cut B, Tampa, Florida:*** Authorizes the modification of a navigation project in Tampa Harbor, Florida to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

***Section 3034 – Allatoona Lake, Georgia:*** Authorizes the Secretary to exchange land at Allatoona Lake, Georgia and acquire additional lands from willing sellers to protect the water quality and overall environment of Allatoona Lake.

***Section 3035 – Dworshak Reservoir improvements, Idaho:*** Authorizes the construction and improvement of recreational facilities on the existing Dworshak Reservoir to allow for operation at the lower pool elevations to assist in salmon species recovery efforts at a Federal cost of \$3.9 million (total cost \$5.3).

***Section 3036 – Little Wood River, Gooding, Idaho:*** Directs the rehabilitation of the Gooding Idaho Channel Project for flood control and ecosystem restoration, if determined to be feasible by the Secretary; authorizes and directs the Secretary to plan, design and construct the project at a total cost of \$9 million; and provides that the non-Federal share of the cost can be provided in-kind.

***Section 3037 – Port of Lewiston, Idaho:*** Extinguishes several restrictions and authorizes the use of fill material to raise some (non-wetland) low areas above the standard project flood elevation.

***Section 3038 – Cache River Levee, Illinois:*** Adds ecosystem restoration as a project purpose to the Cache River Levee.

***Section 3039 – Chicago, Illinois:*** Modifies the existing authorization by clarifying that the study includes Lake Michigan as well as the Chicago River.

***Section 3040 – Chicago River, Illinois:*** Reduces the width of the authorized navigation channel.

***Section 3041 – Missouri and Illinois flood protection projects reconstruction pilot program:***

Directs the Secretary to reconstruct existing flood control projects in Missouri and Illinois as needed for proper functioning as originally authorized, so long as the deficiencies identified are not due to lack of proper operation and maintenance by the non-Federal interest. A total of \$50 million is authorized for this effort. The following critical projects are to receive priority:

- Clear Creek Drainage and Levee District, Illinois.
- Fort Chartres and Ivy Landing Drainage District, Illinois.
- Wood River Drainage and Levee District, Illinois.
- city of St. Louis, Missouri.
- Missouri River Levee Drainage District, Missouri.

***Section 3042 – Spunky Bottom, Illinois:*** Directs the Secretary to add ecosystem restoration as a project purpose to the flood control project between Beardstown, Illinois and the mouth of the Illinois River; directs that the flood control project shall remain eligible for emergency repair assistance without consideration of economic justification, and authorizes \$7.5 million in Federal funding.

***Section 3043 – Strawn Cemetery, John Redmond Lake, Kansas:*** Authorizes the transfer of approximately 3 acres of Federal lands at John Redmond Lake directly to Pleasant Township. All costs associated with the conveyance shall be non-Federal.

***Section 3044 – Harry S. Truman Reservoir, Milford, Kansas:*** Directs the Secretary to sell 7.4 acres of land at Harry S. Truman Reservoir for a fire station.

***Section 3045 – Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia:*** Modifies the ecosystem restoration project, Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, authorized by WRDA 2000, to authorize, with the consent of the affected local government, cost share projects with non-profit organizations, and to prepare an implementation plan and initiate a pilot restoration program in the Lower Scioto Basin, Ohio.

***Section 3046 – Public access, Atchafalaya, Basin Floodway System, Louisiana:*** Allows the acquisition of an additional 20,000 acres of land from willing sellers and addresses an inconsistency in existing law pertaining to a fiscal cap placed on Federal first cost expenditures.

***Section 3047 – Calcasieu River and Pass, Louisiana:*** Modifies the project for the Calcasieu River and Pass, Louisiana, to provide \$3 million for each fiscal year, in a total amount of \$15 million for rock bank protection along a portion of the Calcasieu River to reduce maintenance dredging needs and facilitate protection of valuable disposal areas.

***Section 3048 – Larose to Golden Meadow, Louisiana:*** Requires the Secretary to make a determination as to the advisability of converting the floodgate in Golden Meadow into a navigation lock when considering feasibility, environmental and economic conditions.

***Section 3049 – East Baton Rouge Parish, Louisiana:*** Modifies a flood damage reduction and recreation project, East Baton Rouge Parish, Louisiana, to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004 at an estimated cost of \$178 million.

***Section 3050 -- Red River (J. Bennett Johnston) Waterway, Louisiana:*** Allows the Secretary to purchase and reforest lands, which have been cleared or converted to agricultural uses for mitigation purposes to meet the projects' mitigation requirements. \$33 million is authorized to carry out this section.

***Section 3051 – Camp Ellis, Saco, Maine:*** Authorizes the continuation of an erosion mitigation project on Camp Ellis Beach up to a maximum of \$20 million.

***Section 3052 – Union River, Maine:*** Modifies a navigation project on Union River, Maine.

***Section 3053 – Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia:*** Increases the total program funding limit from \$10 million to \$30 million.

***Section 3054 – Cumberland, Maryland:*** Increases the total authorized cost of the project from \$15 million to \$25.75 million with a Federal cost of \$16.74 million.

***Section 3055 – Fall River Harbor, Massachusetts and Rhode Island:*** Extends the authorization for a navigation project, Fall River Harbor, Massachusetts and Rhode Island and restricts the depth of the existing navigation project riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts; and calls for a feasibility study to deepen the navigation channel of the Fall River Harbor, Massachusetts and Rhode Island, seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts.

***Section 3056 – St. Clair River and Lake St. Clair, Michigan:*** Provides the statutory authority to establish a partnership of Federal agencies, the State of Michigan and political subdivisions, and other parties involved in the management of the St. Clair River and Lake St. Clair Watersheds. Appropriations for this provision are capped at \$10 million per fiscal year.

***Section 3057 – Duluth Harbor, Minnesota:*** Authorizes public access and recreational facilities as part of the federally cost-shared facilities for the project, including parking facilities, pedestrian walkways, and boating and fishing access facilities, and increases the allowable Federal share to \$9 million from \$6 million.

***Section 3058 – Land exchange, Pike County, Missouri:*** Directs a land exchange of 42 acres between S.S.S., Inc. and the Army Corps of Engineers within 2 years.

**Section 3059 – Union Lake, Missouri:** Directs the Secretary to offer to convey to the State of Missouri two tracts of land totaling approximately 205.5 acres that were originally purchased for the Union Lake Project.

**Section 3060 – Fort Peck Fish Hatchery, Montana:** Increase the amount authorized for appropriation to carry out the design and construction of a fish hatchery and associated facilities at Fort Peck Lake from \$20 million to \$25 million.

**Section 3061 – Yellowstone River and tributaries, Montana and North Dakota:** Authorizes the Secretary to carry out restoration projects in the watershed of the Yellowstone River and tributaries in Montana, Wyoming, and North Dakota and authorizes Federal expenditure up to \$30 million with a per project limit of \$5 million.

**Section 3062 – Lower Truckee River, McCarran Ranch, Nevada:** Authorizes a project modification for environmental restoration on the Truckee River at McCarran Ranch, Nevada, at a Federal cost of \$5.78 million (total cost \$7.5million).

**Section 3063 – Middle Rio Grande restoration, New Mexico:** Authorizes an inventory of existing ecosystem resources; a comprehensive plan to restore and protect ecosystem resources; detailed planning and design and implementing site specific projects to restore and protect aquatic, wetland, floodplain, and riparian areas; and appropriate recreation features. The program is authorized for an annual appropriation of \$25 million.

**Section 3064 – Long Island Sound oyster restoration, New York and Connecticut:** Authorizes the Secretary to plan, design, and construct projects to increase aquatic habitats within Long Island Sound, New York and Connecticut, and adjacent waters at a Federal cost of \$18.75 million (total cost \$25 million).

**Section 3065 – Orchard Beach, Bronx, New York:** Increases the maximum total Federal cost of the project from \$5.2 million to \$18.2 million.

**Section 3066 – New York Harbor, New York, New York:** Allows the Secretary to manage dredge material from multiple Federal projects at a single facility used to manage dredged material. The New York and New Jersey Harbor Deepening Project, New York and New Jersey, is the most likely candidate navigation project to use the facility.

**Section 3067 – Onondaga Lake, New York:** Increases the authorized project cost from \$10 million to \$30 million and to authorize cost sharing projects with non-profit organizations with the consent of the affected local government.

**Section 3068 – Missouri River restoration, North Dakota:** Extends the authorization for appropriations through 2010.

**Section 3069 – Lower Girard Lake Dam, Girard, Ohio:** Increase the authorization from \$2.5 million to \$5.5 million for repair and rehabilitation of the Lower Girard Lake Dam.



***Section 3070 – Toussaint River navigation project, Carroll Township, Ohio:*** Authorizes full Federal funding for increased operation and maintenance activities and relates directly to the presence of unexploded ordnance.

***Section 3071 – Arcadia Lake, Oklahoma:*** Eliminates the requirement to pay accrued interest costs for the storage following the end of the 10-year interest free period beginning on November 30, 1996 to September 1999, the date the storage was placed into the active status.

***Section 3072 – Oklahoma Lake demonstration, Oklahoma:*** Extinguishes each reversionary interest and use restriction related to recreation and public parks on the land conveyed by the Secretary to the State of Oklahoma.

***Section 3073 – Waurika Lake, Oklahoma:*** Directs the Secretary to use the costs for construction of the water conveyance facilities for the projects as defined in June 1986. Any costs identified by the Army Corps of Engineers after June 1986 are considered a Federal cost.

***Section 3074 – Lookout Point, Dexter Lake project, Lowell, Oregon:*** Directs the Secretary to offer to convey to the community of Lowell, Oregon one tract of land totaling approximately 0.98 acres located in Lane County, Oregon for use as a fire station.

***Section 3075 – Upper Willamette River Watershed ecosystem restoration:*** Authorizes studies and ecosystem restoration projects for the Upper Willamette Watershed, including the planning, design, and construction of ecosystem restoration projects at a Federal cost of \$9.75 million (total cost \$15 million).

***Section 3076 – Tioga Township, Pennsylvania:*** Directs the Secretary to convey by quitclaim deed approximately 8 acres of the Tioga-Hammond Lakes Flood Control Project property to the Tioga Township for use as administrative offices and a road maintenance complex.

***Section 3077 – Upper Susquehanna River Basin, Pennsylvania and New York:*** Expands the definition of potential non-Federal sponsors and provides assistance for implementing wetland restoration projects and soil conservation measures.

***Section 3078 – Cooper River Bridge demolition, Charleston, South Carolina:*** Authorizes the demolition and removal of the Grace and Pearman Bridges over the Cooper River, South Carolina and to use the remnants to develop an aquatic reef off the shore of South Carolina. \$39 million is authorized to carry out this section.

***Section 3079 – South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina:*** Directs the Secretary to convey to the State of South Carolina a portion of lands currently under lease to the South Carolina Department of Commerce for 99 years for cost-shared recreation development.

***Section 3080 – Missouri River restoration, South Dakota:*** Extends the authorization for appropriations through 2010.

***Section 3081 – Missouri and Middle Mississippi Rivers enhancement project:*** Extends the authorization of appropriations through fiscal year 2015.

***Section 3082 – Anderson Creek, Jackson and Madison Counties, Tennessee:*** Authorizes flood damage reduction at Anderson Creek, Tennessee if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

***Section 3083 – Harris Fork Creek, Tennessee and Kentucky:*** Extends the authorization for the flood control project, Harris Fork Creek, Tennessee and Kentucky for a period of 7 years beginning on the date of enactment of this Act.

***Section 3084 – Nonconnah Weir, Memphis, Tennessee:*** Modifies the flood control project, Nonconnah Creek, Tennessee and Mississippi to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek and to make repairs and maintain the weir in the future so that the weir functions properly at an estimated cost of \$2.5 million.

***Section 3085 – Old Hickory Lock and Dam, Cumberland River, Tennessee:*** Extinguishes the reversionary interests and use restrictions relating to recreation and camping purposes on land conveyed to the Tennessee Society of Crippled Children and Adults, Incorporated at Old Hickory Lock and Dam, Cumberland River, Tennessee.

***Section 3086 – Sandy Creek, Jackson County, Tennessee:*** Authorizes flood damage reduction at Sandy Creek, Tennessee if the project is technically sound, environmentally acceptable, and economically justified.

***Section 3087 – Cedar Bayou, Texas:*** Modifies the project, authorized by section 349(a)(2) of the WRDA 2000 to construct a navigation channel that is 10 feet by 100 feet instead of 112 feet by 125 feet.

***Section 3088 – Freeport Harbor, Texas:*** Clarifies that all costs associated with the discovery of the sunken Corps of Engineers vessel are a Federal responsibility and directs the Corps not to seek these costs or any costs associated with a delay from the local sponsor.

***Section 3089 – Harris County, Texas:*** Modifies section 575(b) of WRDA 1996 to not consider flood control works constructed by non-Federal interests in the determination of conditions existing prior to construction of the Upper White Oak Bayou, Texas project.

***Section 3090 – Dam remediation, Vermont:*** Adds ecosystem restoration, protection, and preservation as a purpose of the dam remediation authority and identifies nine additional dams to be evaluated under the program.

***Section 3091 – Lake Champlain eurasian milfoil, water chestnut, and other nonnative plant control, Vermont:*** Directs a revision of the existing General Design Memorandum to permit the use of chemical means of control nonnative plants.

***Section 3092 – Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire:*** Directs the Secretary to conduct a study and a strategy for wetland restoration, soil and water conservation practices, and non-structural measures in the Upper Connecticut River basin to reduce flood damage, improve water quality, and create wildlife habitat at a Federal cost of \$3.25 million (total cost \$5 million).

***Section 3093 – Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire:*** Directs the Secretary to conduct a study and develop a strategy for ecosystem restoration of the Upper Connecticut River ecosystem and to participate in the implementation of critical restoration projects at a Federal cost of \$13 million (total cost \$20 million).

***Section 3094 – Lake Champlain Watershed, Vermont and New York:*** Identifies additional activities that may be considered critical restoration projects and increases the authorized project costs from \$20 million to \$32 million.

***Section 3095 – Chesapeake Bay oyster restoration, Virginia and Maryland:*** Increases the authorized appropriation limit from \$20 million to \$50 million, modifies the allowable activities to be conducted in the Chesapeake Bay, and expands the purposes for which restoration activities may be undertaken.

***Section 3096 – Tangier Island Seawall, Virginia:*** Increases the total project cost from \$1.2 million to \$3 million with a Federal cost of \$2.4 million.

***Section 3097 – Erosion control, Puget Island, Wahkiakum County, Washington:*** Authorizes a one-time placement of dredge material from the Columbia River channel onto the shoreline of Puget Island, Washington, for temporary protection from erosion of economic and environmental resources and authorizes appropriations of \$1 million.

***Section 3098 – Lower granite pool, Washington:*** Eliminates certain restrictions and authorizes the use of fill material to raise low areas above the standard project flood elevation.

***Section 3099 – McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho:*** Directs the transfer of administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the Fish and Wildlife Service.

***Section 3100 – Snake River project, Washington and Idaho:*** Modifies the Snake River Project, Oregon and Washington to amend the Fish and Wildlife Compensation Plan for the Lower Snake River, Washington, and Idaho and authorizes the Secretary to conduct studies and implement ecosystem restoration and improvements for fisheries and wildlife.

***Section 3101 – Marmet Lock, Kanawha River, West Virginia:*** Increases the authorized project costs from \$229.58 million to \$358 million.

***Section 3102 – Lower Mud River, Milton, West Virginia:*** Modifies the flood damage reduction project, Lower Mud River, Milton, West Virginia, in accordance with the plans, and subject to the

conditions, recommended in a final report of the Chief of Engineers at Federal cost of \$34.13 million (total cost \$45.5 million).

***Section 3103 – Green Bay Harbor Project, Green Bay, Wisconsin:*** Modifies the existing limits of the authorized navigation channel of the Green Bay Harbor Project.

***Section 3104 – Underwood Creek diversion facility project, Milwaukee County, Wisconsin:*** Directs the Secretary to carry out planning, engineering, and design of an adaptive ecosystem restoration, flood damage reduction, and erosion protection project at the Milwaukee County Grounds, Wauwatosa, Wisconsin.

***Section 3105 – Mississippi River headwaters reservoirs:*** Allows the Secretary to operate headwaters reservoirs below the minimum or above the maximum water levels established by this section and requires the Secretary to submit a notice of intent to Congress 14 days prior to operating the headwaters reservoir below the minimum or above the maximum water level limits.

***Section 3106 – Lower Mississippi River Museum and Riverfront Interpretive Site:*** Allows the purchase of property that is not limited to being held by the Resolution Trust Corporation.

***Section 3107 – Pilot program, Middle Mississippi River:*** Authorizes a pilot program over at least a 10-year period within the current project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri River and Illinois to restore and protect fish and wildlife habitat in the middle Mississippi River.

***Section 3108 – Upper Mississippi River system environmental management program:*** Modifies the existing authorization to allow for a non-Federal interest to include a nonprofit entity with the consent of the affected local government.

***Section 3109 – Great Lakes fishery and ecosystem restoration program:*** Directs the Corps to carry out a reconnaissance study before planning, design, or construction, to identify methods of restoring fisheries, ecosystems and beneficial uses of the Great Lakes. The Secretary shall then determine whether planning should proceed.

***Section 3110 – Great Lakes remedial action plans and sediment remediation:*** Extends the program's authorization from 2006 to 2011.

***Section 3111 – Great Lakes tributary models:*** Extends the authorization of the program from 2006 to 2011.

## **Title IV – Studies**

Title IV directs the Secretary to carry out various studies, including studies related to Eurasian milfoil (**Sec. 4001**); a National port study (**Sec. 4002**); McClellan-Kerr River Navigation Channel (**Sec. 4003**); Colorado watersheds (**Sec. 4004**); Nicholas Canyon, Los Angeles, California (**Sec. 4005**); Oceanside, California Shoreline Special Study (**Sec. 4006**); St. Helena, California

(Sec. 4007); San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California (Sec. 4008); South San Francisco Bay, California (Sec. 4009); San Pablo Bay, California (Sec. 4010); Bubbly Creek, South Fork of South Branch, Chicago, Illinois (Sec. 4011); Grand and Tiger Passes and Baptiste Collette Bayou, Louisiana (Sec. 4012); Lake Erie at Luna Pier, Michigan (Sec. 4013); Middle Bass Island State Park, Middle Bass Island, Ohio (Sec. 4014); Jasper County port facility, South Carolina (Sec. 4015); Lake Champlain Canal, Vermont and New York (Sec. 4016).

## **Title V – Miscellaneous Provisions**

**Section 5001 – Lakes program:** Includes additional sites in Illinois, North Carolina, North Dakota, and Vermont to the Lakes Program.

**Section 5002 – Estuary restoration:** Enhances and expands the purposes of the estuary restoration program. Includes better Federal coordination, implementation of common monitoring standards, delegation of implementation of projects costing less the \$1 million to other agencies, etc.

**Section 5003 – Delmarva conservation corridor, Delaware and Maryland:** Authorizes the Secretary to provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002.

**Section 5004 – Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia:** Designates that the Division Engineer, North Atlantic Division, U.S. Army Corps of Engineers ex-officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact without additional compensation, and with the authority to designate an alternate member(s) in accordance with the terms of the applicable compact and makes additional provisions.

**Section 5005 – Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois:** Directs the Secretary to upgrade and make permanent an existing dispersal barrier; to construct the dispersal barrier currently being implemented using section 1135 of the WRDA 1986; to operate and maintain the aforementioned dispersal barriers all at full Federal expense; to credit to each State the proportion of funds that the State contributed to the dispersal barriers and allows the States to apply that credit toward the State's interest in existing or future Corps projects.

**Section 5006 – Rio Grande environmental management program, New Mexico:** Authorizes the Secretary to implement an ecosystem restoration program and long-term monitoring and other management practices for the Rio Chama and the Rio Grande, including all tributaries of the Rivers, from the border between the States of Colorado and New Mexico downstream to the border between the States of New Mexico and Texas. The program is authorized for an annual appropriation of \$25 million.

***Section 5007 – Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and Terrestrial Wildlife Habitat Restoration, South Dakota:*** Directs the Secretary of the Treasury to make funds available to the State of South Dakota from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.

***Section 5008 – Connecticut River dams, Vermont:*** Authorizes the Secretary to evaluate, design and construct structural modifications for the purposes of improving the environment, to the following Army Corps of Engineers operated dams in Vermont: Townshend Lake, Ball Mountain Lake, North Springfield Lake, North Hartland Lake, and Union Village Lake. \$30 million is authorized to carry out this section.

## **Title VI – Project Deauthorizations**

This title deauthorizes projects in the following areas: Little Cove Creek, Glencoe, Alabama (**Sec. 6001**); Goleta and vicinity, California (**Sec. 6002**); Yellow Mill River portion of the project for navigation, Bridgeport Harbor, Connecticut (**Sec. 6003**); Bridgeport, Connecticut (**Sec. 6004**); Hartford, Connecticut (**Sec. 6005**); New Haven, Connecticut (**Sec. 6006**); Summit and St. Georges Bridges over the Chesapeake and Delaware Canal, Delaware and Maryland (**Sec. 6007**); Everglades National Park, Florida (**Sec. 6008**); Shingle Creek Basin, Florida (**Sec. 6009**); Brevoort, Indiana (**Sec. 6010**); Middle Wabash, Greenfield Bayou, Indiana (**Sec. 6011**); Lake George, Hobart, Indiana (**Sec. 6012**); Green Bay Levee and Drainage District No. 2, Iowa (**Sec. 6013**); Muscatine Harbor on the Mississippi River at Muscatine, Iowa (**Sec. 6014**); Big South Fork National River and Recreational Area, Kentucky and Tennessee (**Sec. 6015**); Eagle Creek Lake, Kentucky (**Sec. 6016**); Hazard, Kentucky (**Sec. 6017**); West Kentucky Tributaries, Kentucky (**Sec. 6018**); Bayou Cocodrie and Tributaries, Louisiana (**Sec. 6019**); Bayou LaFourche and LaFourche Jump, Louisiana (**Sec. 6020**); Eastern Rapides and South-Central Avoyelles Parishes, Louisiana (**Sec. 6021**); Fort Livingston, Grande Terre Island, Louisiana (**Sec. 6022**); Gulf Intracoastal Waterway, Lake Borgne and Chef Menteur, Louisiana (**Sec. 6023**); Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas (**Sec. 6024**); Casco Bay, Portland, Maine (**Sec. 6025**); Northeast Harbor, Maine (**Sec. 6026**); Penobscot River, Bangor, Maine (**Sec. 6027**); Saint John River Basin, Maine (**Sec. 6028**); Tenants Harbor, Maine (**Sec. 6029**); Grand Haven Harbor, Michigan (**Sec. 6029**); Greenville Harbor, Mississippi (**Sec. 6031**); Platte River Flood and Related Streambank Erosion Control, Nebraska (**Sec. 6032**); Epping, New Hampshire (**Sec. 6033**); Manchester, New Hampshire (**Sec. 6034**); New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey (**Sec. 6035**); Eisenhower and Snell Locks, New York (**Sec. 6036**); Olcott Harbor, New York (**Sec. 6037**); Outer Harbor, Buffalo, New York (**Sec. 6038**); Sugar Creek Basin, North Carolina and South Carolina (**Sec. 6039**); Cleveland Harbor 1958 Act, Ohio (**Sec. 6040**); navigation project, Cleveland Harbor 1960 Act, Ohio (**Sec. 6041**); Cleveland Harbor, uncompleted portion of Cut #4, Ohio (**Sec. 6042**); Columbian River, Seafarers Memorial, Hammond, Oregon (**Sec. 6043**); Chartiers Creek, Cannonsburg (Houston Reach Unit 2B), Pennsylvania (**Sec. 6044**); Schuylkill River, Pennsylvania (**Sec. 6045**); Tioga-Hammond Lakes, Pennsylvania (**Sec. 6046**); Tamaqua, Pennsylvania (**Sec. 6047**); Narragansett Town Beach, Narragansett, Rhode Island (**Sec. 6048**); Quonset Point-Davisville, Rhode Island (**Sec. 6049**); Arroyo Colorado, Texas (**Sec. 6050**); Cypress Creek-Structural, Texas (**Sec. 6051**); East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas (**Sec. 6052**); Falfurrias,

Texas (**Sec. 6053**); Pecan Bayou Lake, Texas (**Sec. 6054**); Lake of the Pines, Texas for the portion of the Red River below Fulton, Arkansas (**Sec. 6055**); Tennessee Colony Lake, Texas (**Sec. 6056**); City Waterway, Tacoma, Washington (**Sec. 6057**); and Kanawha River, Charleston, West Virginia (**Sec. 6058**).

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## Cost

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The Congressional Budget Office has estimated that the Manager's substitute will cost \$4.12 billion over 5 years and \$11.7 billion over 15 years.

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## Administration Position

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A Statement of Administration Policy (SAP) on the bill was not available at press time.

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## Possible Amendments

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Under the unanimous consent agreement reached on July 14, only a Managers' substitute and nine other amendments will be in order. The nine are listed in the U.C.:

- Boxer– Folsom Dam (1 hour);
- Feingold/McCain – Mitigation Standards (1 hour);
- Feingold/McCain – Peer Review (4 hours);
- Inhofe/Bond – Independent Reviews (1 hour);
- Inhofe – Fiscal Transparency (1 hour);
- McCain/Feingold – Prioritization Report (2 hours);
- McCain/Feingold – Chief of Engineers (1 hour);
- Nelson (FL) – Water Projects (1 hour);
- Specter – Federal Hopper Dredges (1 hour).